

ORDINANCE NO. 45-908

AN ORDINANCE DECLARING **47TH STREET SOUTH, FROM BROADWAY TO I-135 FREEWAY**, TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA, KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 12-685 provides that the governing body of any city shall have the power to designate and establish by ordinance any existing or proposed street, boulevard, avenue, or part thereof to be a main trafficway, the main function of which is the movement of through traffic between areas of concentrated activity within the city, and

WHEREAS, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purpose or by the issuance of general improvement bonds.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That **47th Street South, from Broadway to I-135 Freeway** in the City of Wichita, Kansas is hereby designated and established as a main trafficway, the primary function of which is the movement of through traffic between areas of concentrated activity within the City, said designation made under the authority of K.S.A. 12-685.

SECTION 2. It is hereby deemed and declared to be necessary by the governing body of the City of Wichita, Kansas, to make improvements to **47th Street South, from Broadway to I-135 Freeway** as a main trafficway in the following particulars:

Acquisition by purchase and/or proper appropriation and proceedings in eminent domain of tracts of land which will eventually be necessary for the improvements to said Main Trafficway; grading, curbing, macadamizing, constructing, opening, building necessary bridges and approaches thereto, overpasses, culverts and drainage, trafficway elimination, traffic control devices, pedestrian ways and other improvements

in accordance with the Plans and Specifications on file or subsequently filed with the City Clerk.

SECTION 3. The cost to be paid by the City at large shall be all costs of the improvements authorized under the provisions of K.S.A. 12-685 et seq., and any amendments thereto, and all other costs properly attributable to such project. All such costs shall be paid by the City at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purpose, or by the issuance of general improvement bonds and/or the issuance of retail sales tax revenue bonds pursuant to K.S.A. 12-195 and/or the issuance of temporary notes pursuant to K.S.A. 10-123 in anticipation of the issuance of general improvement bonds or retail sales tax revenue bonds. The total amount of any bonds and/or notes issued to pay all or a portion of the costs hereunder shall not exceed **\$100,000**, exclusive of the cost of interest on borrowed money, with an additional **\$100,000** paid by Federal Grants administered by the Kansas Department of Transportation.

SECTION 4. The above described main trafficway improvements shall be made in accordance with the Plans and Specifications prepared under the direction of the City Engineer of the City of Wichita and approved by the governing body of the City of Wichita, Kansas. Said plans and specifications are to be placed on file in the office of the City Engineer.

SECTION 5. Be it further ordained that the improvements described herein are hereby authorized under the provisions of K.S.A. 12-685 et seq.

SECTION 6. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, October 21, 2003.

Carlos Mayans, Mayor

ATTEST:

Karen Schofield, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf
Director of Law